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In re Application of

Ressemann and Petrick

Application No. 09/778,988

Filed: February 7, 2001

Attorney Docket No. TER1002USD1

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OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed September 9, 2004, to revive the above-identified application.

The renewed petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely response to the final Office action mailed August 14, 2002. The final Office action set a shortened statutory period for reply of three months from its mailing date. On October 15, 2002, a response to the final Office action, but failed to place the application in condition for allowance. No further responses were received within the allowable period, and the application became abandoned on November 16, 2002. A Notice of Abandonment was mailed on June 17, 2003. A Petition under 37 CFR 1.137(b) was filed on July 23, 2004, and dismissed by a decision mailed August 9, 2004.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant

petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The Request for Continued Examination, filed September 9, 2004, is noted and made of record.

The application file is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0010.

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